

JUL 16 2008

PTO/SB/Z1 (01-08)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/920,961	
	Filing Date	08/03/2001	
	First Named Inventor	Edwin Lyda	
	Art Unit	2623	
	Examiner Name	Shetehada, James R.	
Total Number of Pages in This Submission	6	Attorney Docket Number	LYDA-01

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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Firm Name	Annelin and Gaskin	
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In re Application of: Edwin Lyda

Application No.: 09/920,961

Filed: 08/03/2001

For: Distance Learning System

Date: July 16, 2008

Group Art Unit: 2623

Examiner: Sheleheda, James R.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**WAIVER OF RIGHT TO FILE A REQUEST FOR REHEARING;
AMENDMENT OF CLAIMS IN VIEW OF BOARD'S DECISION**


Dear Sir:

We have received the Decision of the Board of Patent Appeals and Interferences related to the applicant's appeal of the final rejection of claims 1 through 7, 13 through 15, 17 through 21, and 23 through 25. In response thereto, applicant hereby waives his right to request a rehearing (within 30 days under §41.127(d)) of the Board's decision to sustain the rejection of claims 13 through 15, 17, 19, 20, 21, 23, and 25.

Applicant appreciates the Board's decision refusing to sustain the rejection of claims 1 through 7, 18, and 24. Applicant requests entry of the attached "Listing of Claims", wherein claims 18 and 24 have been rewritten in independent form to include all of the

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Mary J. Gaskin

limitations of the base claims (13 and 20, respectively). Further, applicant has cancelled the claims for which the Examiner's rejections were sustained.

Upon entry of the amendment, allowance of claims 1 through 7, 18 and 24 should be in order and is respectfully requested.

Date: July 16, 2008

Respectfully submitted,



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LISTING OF CLAIMS

1. (Previously presented) An electronic response device other than a personal computer, the response device configured to allow a user to send data over a standard communication system in response to a program received apart from the response device, the response device comprising:

a user input mechanism for entry of user input and responses, the
mechanism operating without receiving signals eliciting a response by
the user;

means for requiring the user's input of a program identifier code for the
program received apart from the response device;

means for providing a user identifier code, the means selected from the
group consisting of having the user identifier code associated with the
response device and having the user input the user identifier code;

a central processing unit (CPU) for correlating the responses the user has
entered into the user input mechanism to the program identifier code
and for processing the program identifier code, the user identifier
code, and responses the user has entered into the user input
mechanism;

a power source; and

a transmitter connected to the CPU.

2. (Previously presented) The electronic response device according to claim 1, wherein:
the input mechanism is selected from the group consisting of a key pad and

voice recognition apparatus;

the transmitter comprises a two-way paging device; and

the communication system comprises a two-way paging system.

3. (Previously presented) The electronic response device according to claim 1, wherein:

the input mechanism is selected from the group consisting of a key pad and

voice recognition apparatus;

the transmitter is configured to send data bursts over standard telephone

lines; and

the communication system comprises a plain old telephone system.

4. (Previously presented) The electronic response device according to claim 1 wherein:

the input mechanism is selected from the group consisting of a key pad and

voice recognition apparatus;

the transmitter is configured to call telephone numbers each of the telephone

numbers having been associated with a particular response to the

program; and

the communication system comprises a plain old telephone system.

5. (previously presented) The electronic response device according to claim 1, wherein:

the input mechanism is selected from the group consisting of a key pad and

voice recognition apparatus;

the transmitter comprises a wireless internet protocol device; and

the communication system comprises an internet protocol system.

6. (Previously presented) The electronic response device according to claim 5, wherein:

the internet protocol system further communicates with a telecommunication system.

7. (Previously presented) The electronic response device according to claim 1, further comprising:

an indicator for indicating the connection status of the electronic response device to the communication system.

8 - 17. (Cancelled)

18. (Currently amended) ~~The method of claim 13~~ A method for receiving and processing responses to a program selected from the group consisting of a radio broadcast, a television broadcast, an internet broadcast, a satellite communication, an audio tape, a video tape, and a live performance, the method comprising:

providing a program identifier code for the program;

providing means for identifying an audience member;

providing a user input device other than a personal computer, the device operating without receiving signals eliciting a response by the audience member;

having the audience member input the program identifier code into the user input device;

having the audience member input responses into the user input device;

transmitting response data comprising the program identifier code, the means for identifying an audience member, and the responses over a standard communication system, wherein the standard

communication system utilizes telephone lines and equipment and the response data is transmitted by having the user input device call a pre-assigned telephone number associated with the input response data;

collecting the response data at a central location;

correlating the program identifier code to the responses;

processing the response data.

19 - 23 (Cancelled)

24. ~~The system of claim 20~~ A system for receiving and processing responses to a program selected from the group consisting of a radio broadcast, a television broadcast, an internet broadcast, a satellite communication, an audio tape, a video tape, and a live performance, the system comprising:

providing a program identifier code for the program being presented;

providing a user input device other than a personal computer, the device

generating without receiving signals eliciting a response by a user;

having an audience member input the program identifier code into the user input device;

having the audience member input responses into the user input device;

transmitting the program identifier code and the responses associated with

a user identifier over a standard communication system, wherein the standard communication system utilizes telephone lines and equipment and the responses are transmitted by having the user input

device call a pre-assigned telephone number associated with the
input responses;

collecting, correlating, and processing the program identifier and the
responses;

routing the responses to a program presenter.

25. (Cancelled)